

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL NO. 3:00CR184

UNITED STATES OF AMERICA

vs.

PONYA NICHELLE WRAY

---

)  
)  
)  
)  
)  
)  
)

ORDER

**THIS MATTER** is before the Court on the Defendant's motion to defer restitution payments until her release from prison.

The Bureau of Prisons has the authority to place a defendant in the Inmate Financial Responsibility Program based on the wording contained in the criminal judgment. ***United States v. Watkins*, 161 F. App'x 337 (4<sup>th</sup> Cir. 2006); *Bramson v. Winn*, 136 F. App'x 380 (1<sup>st</sup> Cir. 2005).** The authority and method of collecting through the Inmate Financial Responsibility Program as well as the determination of the Defendant's ability to pay has been delegated to the Bureau of Prisons (BOP) by federal regulations. **28 C.F.R. §§ 545.10-.16.** Defendant is, therefore, obligated to exhaust all administrative remedies through the BOP before approaching the appropriate district court. ***McGhee v. Clark*, 166 F.3d 884, 885-87 (7<sup>th</sup> Cir. 1999); *Aja v. Bureau of Prisons Staff*, 202 F.3d 267 (table), 1999 WL 1336093 (6<sup>th</sup> Cir. 1999); *United States v. Rumney*, 86 F.3d 1147 (table), 1996 WL 325485 (1<sup>st</sup> Cir. 1996); *Indelicato v. Suarez*,**

**207 F.Supp.2d 216 (S.D.N.Y. 2002).** Thereafter, a defendant may challenge such payments but only by filing the appropriate pleading in the district court of confinement, not with the sentencing court. ***Matheny v. Morrison*, 307 F.3d 709, 712 (8<sup>th</sup> Cir. 2002); *Moore v. Olson*, 368 F.3d 757, 759 (7<sup>th</sup> Cir.), cert. denied, 543 U.S. 949 (2004).**

**IT IS, THEREFORE, ORDERED** that the Defendant's motion to defer restitution payments is hereby **DENIED**.

Signed: September 7, 2007

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

